

Service Date: November 28, 1988

DEPARTMENT OF PUBLIC SERVICE REGULATION  
BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MONTANA

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IN THE MATTER of the Application	)	
of Montana-Dakota Utilities Co., a	)	UTILITY DIVISION
Division of MDU Resources Group,	)	
Inc., for a Declaratory Ruling on	)	
the Capacity and Energy Sales	)	DOCKET NO. 88.2.57
Agreement between SGI International	)	
Inc. and Montana-Dakota Utilities	)	ORDER NO. 5395
Co.	)	

FINAL ORDER

FINDINGS

On February 4, 1988, the Montana Public Service Commission (Commission) received a request for a declaratory ruling from Montana-Dakota Utilities Co. (MDU) concerning its capacity and energy sales agreement entered into between SGI International and MDU.

On November 14, 1988, the Commission received a request from MDU for permission to withdraw the above-referenced Petition for Declaratory ruling.

CONCLUSIONS OF LAW

1. The Petitioner, Montana-Dakota Utilities Company, furnishes electric service to consumers in the State of Montana and is

a "public utility" under the regulatory jurisdiction of the Montana Public Service Commission. Section 69-3-101, MCA.

2. The Commission properly exercises jurisdiction over the Petitioner's rates and operations. Section 69-3-102, MCA and Title 69, Chapter 3, Part 3, MCA.

#### ORDER

1. The Petition for Declaratory ruling, filed by MDU on February 4, 1988, is withdrawn from further consideration, and this docket is hereby closed.

Done and Dated this 28th day of November, 1988 by a vote of 4-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

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CLYDE JARVIS, Chairman

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JOHN B. DRISCOLL, Commissioner

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HOWARD L. ELLIS, Commissioner

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DANNY OBERG, Commissioner

ATTEST:

Ann Purcell  
Acting Commission Secretary

(SEAL)

NOTE: Any interested party may request that the Commission reconsider this decision. A motion to reconsider must be filed within ten (10) days. See ARM 38.2.4806.